

State Board of Education
April 8, 2008
Item G-6

Department of Education
Montpelier, Vermont

TEAM: Independent and Federal Programs

ITEM: Will the State Board of Education issue a Certificate of Degree Granting Authority to the Vermont College of Fine Arts, Inc. (VCFA Inc.) to offer three (3) MFA degrees in Montpelier, Vermont for a period of one year ending April 30, 2009 so long as the Vermont College of Fine Arts, Inc. satisfies the conditions, terms and limitations listed in the attached report?

Recommended Action:

That the State Board of Education issue a Certificate of Degree Granting Authority to the Vermont College of Fine Arts, Inc. (VCFA) to offer three (3) MFA degrees in Montpelier, Vermont for a period of two years ending April 30, 2010 contingent upon the VCFA Inc. satisfying the conditions, terms and limitations listed in the attached report and contingent upon satisfying the Commissioner that all the financing in place for this institution meets acceptable standards for approval.

Statutory Authority: 16 VSA 176

Background: The State Board is responsible for issuing Certificates of Degree Granting Authority to an applicant whose goals, objectives, programs and resources are found to be adequate and appropriate for the stated purpose and for the protection of students and the public interest. Before issuing Certificates of Degree Granting Authority, the State Board, by statute, must obtain the advice of the Vermont Higher Education Council (VHEC). VHEC will be meeting to consider this application on or about April 9, 2008, after receiving necessary documentation regarding financing. Time is of the essence for this application because VCFA's application to the New England Association of Schools and Colleges (NEASC) will be considered at the NEASC meeting on April 17, 2008. However, the financing information required for the Commissioner to recommend full approval to the State Board will not be available until April 9, 2008, the day after the Board meeting. Therefore the Commissioner requests that the Board approve the application subject to his subsequent approval, once he is satisfied that the financing meets acceptable standards.

Cost: \$ 1,855

Staff Available: Kerry Garber, Director

**Report to the State Board of Education
Vermont College of Fine Arts, Inc.
April 1, 2008**

Overview

Descriptions in this report are drawn from documents, reports and the application provided by the applicant.

The Vermont College of Fine Arts, Inc. (abbreviated as VCFA) applied for a Certificate of Degree-Granting Authority to offer the following degrees in Montpelier, Vermont:

Master of Fine Arts in Writing	(MFA)
Master of Fine Arts in Writing for Children	(MFA)
Master of Fine Arts in Visual Art	(MFA)

Because VCFA, Inc. proposes to offer degrees in Vermont, a Certificate of Degree-Granting Authority is required under Vermont's postsecondary statute, 16 VSA § 176 (c) (2). This statute requires each postsecondary school to secure a certificate of degree-granting authority from the State Board before it confers or offers to confer a degree.

The MFA programs have been a part of Vermont College offerings as early as 1981 and as recently as 1997. Vermont College was owned and managed by Norwich University from 1972 to 2001. Vermont College was owned by Union Institute & University from 2001 to the present date.

In 2006, Union Institute proposed the sale of its campus and three MFA programs. VCFA, Inc. incorporated as a charitable organization with the Vermont Secretary of State in February 2007 in order to purchase the Vermont College campus and 3 graduate programs.

The three MFA programs were accredited by NEASC when Vermont College was part of Norwich University and are currently accredited by the North Central Association of Schools and Colleges under management by Union Institute. While the academic programs have been reviewed by accreditation teams, VCFA, Inc. as a management unit has not previously been reviewed as a separate entity by the Vermont Department of Education nor accredited as of this date.

VCFA, Inc is organized as a 501(c)(3) nonprofit. Some ingredients remain the same: curriculum, some administrators and a majority of the long-standing faculty. However, new administrators have been added and a new Board of Trustees has been created. VCFA is applying for financial resources in its own name. This organization is stepping out from a larger organizational setting to become an institution devoted exclusively to fine arts education in a low-residency model.

VCFA is currently an autonomous branch of Union and is in the process of becoming an independent institution. As such, VCFA, Inc. is operating in its startup phase.

Enrollment in the three MFA programs has averaged about 250 students per year over the past decade.

Criteria for Issuance of a Certificate of Approval

Statute *The State Board shall issue a Certificate of Degree-Granting Authority to an applicant whose goals, objectives, programs and resources, including personnel, curriculum, finances and facilities are found to be adequate and appropriate for the stated purpose and for the protection of students and the public interest per 16 VSA § 176 (e).*

State Board Rules *To be issued a certificate of degree-granting authority, a school shall show that it meets all of the criteria for issuance of a certificate of approval and that degree candidates shall be required to complete a coherent program of study per rule 2243.6.*

Resources 2243.5.1

The School shall demonstrate that it has adequate and appropriate resources, including personnel, curriculum, finances and facilities necessary to accomplish its stated purposes. All activities conducted by the school shall be consistent with its stated purpose.

VCFA, Inc.'s mission is to create a low-residency student-centered environment that encourages innovative experiential learning that nurtures its students' knowledge, skills, critical thinking and creativity.

The mission also exists to create a student-centered environment that fosters democratic participation in the education process. VCFA encourages innovative experiential learning that nurtures its students' knowledge, skills, critical thinking, and creativity – all the necessary ingredients to become lifelong students, dedicated teachers, and committed artists in a variety of disciplines.

Administrative Resources:

The sequence of organizational development starts with the incorporation of VCFA, Inc. which was formed to purchase a campus and 3 graduate programs, to becoming a college within a university when it became Vermont College of Fine Arts Foundation of Union Institute to the integration of both names to market MFA programs late in 2007.

VCFA, Inc. proposes an administrative team consisting of a president supported by directors of strategic initiatives, finance and administration, marketing and admissions, facilities and development. Each of the MFA programs has administrative and assistant directors. Some of the proposed academic program administrative directors have worked in the similar roles when the MFA programs were owned by Union Institute.

The VCFA Dean and Academic Council are new. While mid-and upper-level VCFA staffing is adequate, inadequate support staffing poses serious challenges.

The IFP Unit finds that VCFA's administrative resources are adequate for a startup organization.

Transition Issues:

VCFA, Inc. is currently an autonomous branch Of Union Institute and is in the process of becoming an independent institution

Currently VCFA is paying UIU for administrative support and campus services.

Union has agreed to continue admissions, financial aid, student accounts, registrar, physical facilities, library and info technology services as needed as VCFA transitions from autonomy to independence.

VCFA will hire its own staff to maintain the facilities and services during the first nine months following the closing of our purchase agreement.

VCFA has purchased a VCFA domain name and is in the process of transitioning to our own site.

Some student services currently provided by Union are on VCFA's campus; others (registrar, financial aid and bursar) are located in Ohio.

For an anticipated period of no more than nine months, VCFA will depend on Union staff for the contracted provision of administrative and support services and will gradually transition to new VCFA staff including admissions, registrar, financial aid, bursar, IT coordinator and library staff

VCFA will lease library services from Union for three years.

Instructional Personnel:

Faculty, referred to as faculty advisors, are all part-time and are on six-month contracts. A number of MFA faculty also hold posts at traditional universities. Many have been with the academic programs since their inception.

VCFA reports it has 60 instructors.

VCFA expects the majority of the faculty to possess a terminal degree in the relevant field. A distinguished record of creative activity may substitute for an advanced degree in these programs.

The IFP unit finds VCFA, Inc.'s faculty to be adequate and appropriate for its stated mission.

Curriculum:

All MFA programs are low-residency Fine Arts programs.

VCFA, Inc. offers MFA programs that require four six-month semesters of intensive one-on-one work under the guidance of a faculty mentor and five ten-day on-campus residencies, each of which is comprised of workshops, lectures, readings, panel discussions, student-teacher conferences and critiques, presentations of works in progress and practice in the student's chosen discipline.

The residency provides the student with an opportunity to focus on the semester projects, choose a faculty advisor and prepare a study plan with faculty guidance.

During the residency, students meet in groups and in individual conferences with their faculty advisor to discuss the semester project.

A product of each residency is a “Study Plan.” Written “study Plans” keep each student aware of and working toward the published goals and requirements . . .

Between residencies, students return to their homes and studies to work with an assigned faculty advisor on the semester-long writing and reading projects. The blueprint for the work is the Study Plan.

The IFP Unit finds that the curricula of the MFA programs, all of which have been in existence for more than 10 years, are adequate and appropriate for its stated mission.

Disclosure (2243.5.3)

Information provided to prospective students shall not be false or misleading. The school shall be able to substantiate any claims regarding such matters as the likelihood of employment, graduate school admission or transfer of credit.

VCFA has purchased a VCFA domain name and are transitioning to their own site.

At the moment, VCFA, Inc. is using student handbooks and brochures published by Union Institute. VCFA has created its first unified catalog to supplement the program brochures.

VCFA submitted program brochures designed for MFA programs under Union Institute management. These program brochures contained references to accreditation of programs by the Higher Learning Commission of the North Central Association of Colleges and Schools, Union Institute’s closing policy, Union Institute registration and tuition policies and tuition refund policy which may not be the policies of the independent, stand-alone applicant.

Program Directors will assure that by November 2008, all programs will have reviewed and updated their print and Web materials and policies affecting faculty.

VCFA’s fall 2007 catalog is the first such representation of the College as a distinctive institution composed of three MFA programs.

There is no single college wide handbook that is applicable to all programs, particularly in the area of policies and procedures.

The IFP Team finds that the applicant does not comply with State Board rules on disclosure.

Finances:

The required financial documents will not be available until April 9, 2008, the day after the State Board of Education meeting.

Facilities (2243.5.4)

The school's facilities shall meet all applicable state, federal and local fire, safety, health and access standards.

VCFA's physical facilities include eleven buildings and an adjacent eighteen-acre parcel of undeveloped land.

VCFA is utilizing approximately 38% of the 225,000 SF of space on campus. The rest is being leased to several tenants.

The Vermont College campus facilities house dorm rooms, classrooms, a library, a gallery, office space.

The IFP Team finds that VCFA facilities are adequate and appropriate for the stated purpose.

Student Records (2243.5.5)

The school shall have adequate procedures for safe keeping of student records and complying with requirements of 16 VSA § 175.

Union Institute will keep the academic records of students enrolled in MFA programs for an indefinite time.

The IFP Team finds that VCFA has demonstrated adequate and appropriate procedures for the safe keeping of student records.

Certificate of Approval criteria (2243.6)

The school shall show that it meets all of the criteria for issuance of a certificate of approval and in addition shall demonstrate that candidates for a degree shall be required to complete a coherent program of study.

Issuance [16 VSA § 176 (e)]

On proper application, the state board shall issue a Certificate of Degree-Granting Authority to an applicant whose goals, objectives, programs and resources are found by the State Board to be adequate and appropriate for the stated purpose and for the protection of students and the public interest.

Self Study

VCFA, Inc. included in its application package its NEASC Self-Study which contained the following statements:

- 1) In its Self-Study, VCFA, Inc. describes itself as an institution incorporated in the State of Vermont as a nonprofit educational institution. However, VCFA, Inc's incorporation document lists its purpose as "charitable."

2) NEASC's requirements of affiliation require that an applicant has formal authority from the appropriate governmental agency authorizing it to grant all degrees it awards. However, in its Institutional Self Study questionnaire dated December, 2007, VCFA, Inc. cited the North Central Association of Schools & Colleges as the governmental agency which legally authorized it to offer degrees. The North Central Association is a non-governmental accrediting agency.

3) In its self-study, VCFA, Inc. reports that is presently authorized as an autonomous branch of Union Institute to operate and offer degrees in the State of Vermont." A similar statement was contained in VCFA, Inc's Report of Eligibility: Requirements of Affiliation. However, as a separate entity, VCFA will not have authority to do so until granted that authority by the State Board.

4) In its Business Plan (p. 4), VCFA, Inc. claims it is "not" a start-up. However, inasmuch as VCFA, Inc. registered its name with the Secretary of State's office in 2006, applied for a "start-up" loan from the City of Montpelier in March 2007 and is applying for degree-granting authority from the State Board, it appears to be more of a start-up.

VHEC recommendation:

VHEC's Committee on Certification and Accreditation will review this application again on or about April 9, 2008.

Commissioner's Recommendations

Having conducted a review of the Vermont College of Fine Arts, Inc.'s application for a Certificate of Degree-Granting Authority under the requirements of Title 16, V.S.A., § 176, the Commissioner recommends that the Vermont State Board of Education issue VCFA, Inc. a certificate of Degree-Granting Authority for a period of one (2) years ending April 30, 2009 subject to the following conditions, terms and limitations:

1. VCFA, Inc. shall notify each applicant for enrollment, in writing, on an application, enrollment or registration form to be signed by the applicant, that credits earned through the respective programs are transferable only at the discretion of the receiving school.
2. VCFA, Inc. shall notify the State Board prior to making any substantive changes in or additions to educational programs described in your current certification application including engaging in any contractual arrangements with external organizations to offer facilities, or services or to teach credit-bearing courses.
3. At such time that VCFA, Inc. proposes to discontinue regular programs of instruction of any program in Vermont, the school shall promptly notify the State Board, prepare academic records of each current and former student in a form satisfactory to the State Board and deliver the records to a person designated by the State Board to act as permanent repository for the institution's records.
4. Should VCFA, Inc. decide to offer new degree or certificate programs during this approval period, a new Certificate of Degree-Granting Authority or Certification of

Approval application will be necessary prior to offering credit-bearing courses and before admitting students.

5. VCFA, Inc. shall notify the Vermont Department of Education of the number of matriculants enrolled in each degree programs within 30 days of the start of each semester or enrollment period throughout the life of this approval.
6. When VCFA, Inc. lists degrees earned by faculty and staff in brochures, catalogs, handbooks and on its Website, the lists shall include only earned and awarded degrees.
7. VCFA, Inc. shall promptly notify the State Board in the event that it fails to make any scheduled payments to its lenders.
8. VCFA, Inc. shall provide a copy of audited financial reports and the auditor's letter annually.
9. Within 30 days of this State Board approval, VCFA, Inc. shall bring its student brochures, student handbooks, catalogs and Website into compliance with the requirements of State Board rule 2243.5.3 Disclosure.
10. In all of its disclosures of approval by the Vermont State Board of Education, VCFA, Inc. shall also display the expiration date of State Board approval.
11. No later than April 30, 2008, VCFA, Inc. shall provide the Commissioner with a copy of the NEASC visiting team evaluation report and a copy of the letter from NEASC's Commission on Institutions of Higher Education informing VCFA, Inc. of the action taken at the April 17, 2008 meeting and the actions VCFA, Inc. needs to take to continue its candidacy for accreditation.
12. No later than April 10, 2008, VCFA shall provide the Commissioner with a copy of the letter of commitment from the Community National Bank for the loan to finance this project.
13. No later than May 14, 2008, VCFA, Inc. shall provide the Commissioner with 1) the loan agreement between VCFA, Inc. and Community National Bank, 2) the agreement to transfer the USDE mortgage from Union Institute to VCFA, Inc. and 3) the seller contribution agreement between Union Institute and VCFA, Inc.
14. No later than April 15, 2008, VCFA, Inc. shall insure that NEASC receives written notification of the issues raised in the Self Study section of this report.
15. Failure of the school to meet any of the terms or conditions of approval may result in the initiation of regulatory suspension procedures associated with the Certificate of Degree-Granting Authority.